

Madhya Pradesh High Court

Seema @ Sachhi Bokadia vs Amol on 3 December, 2021

Author: Vivek Rusia

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MCRC-2348-2020

The High Court Of Madhya Pradesh

MCRC No. 2348 of 2020

(SEEMA @ SACHHI BOKADIA Vs AMOL)

Indore, Dated : 03-12-2021

Shri Akash Sharma, learned counsel for the petitioner.

None for the respondent.

The petitioner/wife has filed the present petition u/s. 482 of Cr.P.C. being aggrieved by order dated 26.11.2019 passed by 1st Additional Sessions Judge, Mandleshwar whereby application filed u/s. 91 of Cr.P.C. has been dismissed.

The petitioner has filed an application u/s. 125 of the Cr.P.C. seeking maintenance from respondent/husband. In order to establish his income from all sources, the petitioner had filed an application u/s. 91 of Cr.P.C. calling upon the respondent to produce the income tax return filed in the last three years. Learned Addl. Sessions Judge has rejected the application on the ground that the respondent has filed objection in the office of Income Tax Authority for providing any income tax return.

Learned counsel for the petitioner submits that after passing the impugned order the law has been changed and the apex Court in Cr. Appeal No.730/2020 (Rajnesh V/s. Neha & another) has held that it is incumbent upon the husband to disclose the details of his income which includes ITR submitted one year prior to the marriage and one year prior to the separation and at the time when an application for maintenance is filed, as the case may be.

In view of the above, the matter is remitted back to the learned Family Court to consider and decide the application afresh in the light of the aforesaid judgment of the apex Court.

With the aforesaid, this M.Cr.C. is disposed of.

(VIVEK RUSIA) JUDGE Alok Digitally signed by ALOK GARGAV Date: 2021.12.03 18:28:24 +05'30'